



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. STATE ALLOCATION BOARD**

**NOTICE OF PROPOSED REGULATORY ACTION**

THE STATE ALLOCATION BOARD PROPOSES TO AMEND, REPEAL AND ADOPT THE FOLLOWING REGULATION SECTIONS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1859.2, 1859.163.3 AND 1859.167

THE FOLLOWING REGULATION SECTION IS REPEALED: 1859.167.1

THE FOLLOWING REGULATION SECTIONS ARE ADOPTED: 1859.167.2 AND 1859.167.3

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend, repeal and adopt the above-referenced regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

**AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend, repeal and adopt the above-referenced regulation sections under the authority provided by Sections 17070.35 and 17078.64 of the Education Code. The proposals interpret and make specific reference to Sections 17078.52, 17078.54, 17078.56 and 17078.58 of the Education Code.

**INFORMATIVE DIGEST/POLICY OVERVIEW  
STATEMENT**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The State Allocation Board (SAB), at its April 25, 2007 meeting, approved regulatory changes that amend, repeal and adopt SFP regulation sections related to processing the funds in the Charter School Facilities Program (CSFP). The proposed changes detail how funds from rescinded Preliminary Charter School Apportionments are reused by the program, and clarify the procedures for converting Preliminary Charter School Apportionments to Final Charter School Apportionments. A fund transfer was approved into the Conversion Increase Fund within the 2004 Charter School Facilities Account, to facilitate Proposition 55-funded charter schools budgeting for their projects while knowing funds are available for converting the Preliminary Apportionment to the Final Apportionment. The regulation changes will bring the total allowable CSFP apportionments closer to covering the current costs for charter school projects, helping more of these projects to come to fruition.

The proposed regulatory changes are summarized as follows:

Existing Regulation Section 1859.2 defines words and terms used exclusively for these regulations. The proposed amendments add the definition of "Conversion Increase Fund."

Existing Regulation Section 1859.163.3 establishes fund accounts for Relocation and/or Department of Toxic Substances Control (DTSC) Fees and Hazardous Material/Waste Removal costs which may be requested by charter school projects which incur such costs. The proposed changes make this section specifically applicable to the Preliminary Charter School Apportionments approved by the SAB on February 23, 2005 (Proposition 55).

Existing Regulation Section 1859.167 sets forth the funding processes for converting Preliminary Charter School Apportionments to Final Charter School Apportionments. The proposed amendments separate the funding processes applicable to Preliminary Charter School Apportionments approved by the SAB on February 23, 2005 (Proposition 55) from the funding pro-

cesses applicable for projects funded under other Propositions. For Proposition 55–funded projects:

- the Final Charter School Apportionment will be permitted to exceed the Preliminary Charter School Apportionment by amounts available pursuant to proposed new Sections 1859.167.2 and 1859.167.3;
- references are deleted regarding using Section 1859.163.1 to determine limits on per–pupil grant amounts, construction cost funding caps, site acquisition costs, and full and final apportionments;
- site acquisition and construction costs will not be treated as two separate categories of funding in determining eligibility for Final Charter School Apportionments. Excess of one cost may cover a shortfall of the other;
- excess amounts of Preliminary Charter School Apportionments over Final Charter School Apportionments shall first be applied to restore the Relocation/DTSC Fund and the Hazardous Material/Waste Removal Fund to the amounts originally reserved by the SAB for these purposes (see the SAB action on February 23, 2005 for these amounts);
- reference is deleted to using Unrestricted Charter School Fund amounts to fund costs on the Unfunded List pursuant to Section 1859.163.3, and is instead stated and clarified in proposed new Section 1859.167.3(b).

Existing Regulation Section 1859.167.1 sets forth criteria for site acquisition funding based on Section 1859.163.1, and allowable useable acres, when charter schools convert to a Final Apportionment. The proposed regulatory action repeals this section.

Proposed adoption of Regulation Section 1859.167.2 establishes Conversion Increase Fund accounts and processes for the return of CSFP funds to the program resulting from rescissions of Preliminary Charter School Apportionments. The Conversion Increase Fund for the 2004 Charter School Facilities Account (Proposition 55) shall include rescinded apportionments plus the amounts initially reserved for the Relocation/DTSC Fund and the Hazardous Material/Waste Removal Fund established in Section 1859.163.3.

Proposed adoption of Regulation Section 1859.167.3 establishes criteria and the prioritization for the use of funds in the Unrestricted Charter School Fund accounts for the purposes outlined in Sections 1859.163.3 and 1859.167(a) and (b), and Education Code Section 17078.58.

## **IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

## **ECONOMIC IMPACT**

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non–discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

## **EFFECT ON SMALL BUSINESSES**

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

## SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than August 6, 2007, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation  
Coordinator

Mailing Address: Office of Public School  
Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 445-5526

## AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

## ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such

changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

## SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

## RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

## ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.



## TITLE 2. STATE ALLOCATION BOARD

### NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND THE FOLLOWING REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

THE FOLLOWING REGULATION SECTIONS ARE AMENDED: 1859.2, 1859.43, 1859.50, 1859.51, 1859.81 AND 1859.106

THE FOLLOWING FORM IS AMENDED:

*Enrollment Certification/Projection*, Form SAB 50-01, (Revised 04/07), referenced in Regulation Section 1859.2.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, along with an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend and adopt the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.15 and 17592.73 of the Education Code. The proposals interpret and make specific reference to Sections 17052, 17070.35, 17070.50, 17070.51, 17071.10, 17071.25, 17071.30, 17071.33, 17071.40, 17071.75, 17071.76, 17072.13, 17072.14, 17072.18, 17072.20, 17072.35, 17074.25, 17075.10, 17075.15, 17076.10, 17077.40, 17078.52 and 17251 of the Education Code.

### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes

of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The State Allocation Board (SAB), at its April 25, 2007 meeting, adopted regulatory amendments to the SFP regulation sections and an associated form related to adjusting the classroom capacity and baseline eligibility resulting from the transfer of a special education program between a school district and a county office of education (COE) or special education local plan area (SELPA). The proposed regulations implement Assembly Bill 2947, Chapter 585, Statutes of 2006 to prevent such transferred facilities from having to be counted in the classroom capacity of the transferring district, and allow the classroom capacities and enrollments to be correctly adjusted in the event of such transfers.

The proposed amendments to SFP regulation sections and forms are as follows:

Existing Regulation Section 1859.2 defines words and terms used exclusively for these regulations. The proposed amendments correct the reference to an Education Code subsection number regarding the definition of "School District."

Existing Regulation Section 1859.43 prescribes a methodology to calculate the projected Special Day Class enrollment of a school district or county office of education. The proposed amendments clarify the applicable years for the calculations for county offices of education.

Existing Regulation Section 1859.50 sets forth the calculations to determine a school district's new construction baseline eligibility which is used to apply for SFP per-unhoused-pupil State bond funding. The proposed amendments add that if title to a special education program is transferred (including leases over five years) between a school district and county office of education after the baseline eligibility is established, the grantor and grantee's school building capacities shall be adjusted accordingly, the grantor and grantee shall submit Form SAB 50-01 showing their enrollment changes, the grantor's enrollment projection shall be adjusted accordingly, and the grantee shall remit to the State a proportionate share of any financial hardship assistance provided for the project as described in Regulation Section 1859.106.

Existing Regulation Section 1859.51 specifies how a school district's baseline eligibility for new construction funding is adjusted based upon numerous factors impacting its classroom capacity. The proposed amendments add another factor requiring specific adjustments

based upon any classrooms to which a school district or county office of education transfers title as a result of a transfer of a special education program. In addition, subsection (p) regarding the 2002 Critically Overcrowded School Facilities Account is updated by adding reference to the 2004 Account.

Existing Regulation Section 1859.81 sets forth eligibility criteria for SFP financial hardship status in order for the State to fund all or a portion of a school district's required share of project costs. After the initial financial hardship status is granted, specific types of district revenues to its capital facility accounts are listed which will not thereafter be considered for subsequent financial hardship determinations. The proposed amendment adds another specific type of district revenue which will not thereafter be considered for subsequent financial hardship determinations: funds used by the district for the express purpose of reimbursing the State a proportionate share of previously-apportioned financial hardship funds when there has been a transfer of a special education program and transfer of title to the facility.

Existing Regulation Section 1859.106 specifies allowable district expenditures and State apportionments for SFP projects, upon audit review. The proposed amendments set forth criteria for a school district or county office of education which receives a special education program and title to the facilities, to repay the State within five years any Financial Hardship apportionment for the project, including site acquisition costs, prorated by the percentage of building area being transferred divided by the total amount of building area approved on the initial Financial Hardship application, if all of the following conditions apply: the transferred facilities were constructed with State funds, the transfer occurred within ten years of initial occupancy, the project was initially acquired or constructed with Financial Hardship status, and the recipient of the facility transfer does not have approved Financial Hardship status.

Existing Form SAB 50-01 is submitted by applicant school districts to determine initial eligibility for funding under the SFP. The proposed amendments provide the additional General Information, Specific Instructions, and required supporting documents to implement these regulatory amendments.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require lo-

cal agencies or school districts to incur additional costs in order to comply with the proposed regulations.

#### ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

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- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
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#### EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)-(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than August 6, 2007, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation  
Coordinator  
Mailing Address: Office of Public School  
Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814  
E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)  
Fax No.: (916) 445-5526

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#### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

#### **TITLE 9. CALIFORNIA DEPARTMENT OF MENTAL HEALTH**

**ACTION: NOTICE OF PROPOSED  
RULEMAKING**

**SUBJECT: AUTHORIZATION FOR  
OUT-OF-PLAN SERVICES**

#### PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Mental Health will conduct written public proceed-



ings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

#### WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit comments relevant to the action described in this notice. Any written statements, arguments, or contentions must be received by the Office of Regulations, California Department of Mental Health, 1600 Ninth Street, Room 153, Sacramento, CA 95814, by 5:00 p.m. on **August 6, 2007**. It is requested but not required that written statements sent by mail or hand-delivered be submitted in triplicate.

Comments may be transmitted via facsimile 916-651-9919 or electronic mail [DMH.Regulations@dmh.ca.gov](mailto:DMH.Regulations@dmh.ca.gov) and must be received before 5:00 p.m. on the last day of the public comment period. All comments, including electronic mail or facsimile transmissions, should include the author's name and U.S. Postal Service mailing address in order for DMH to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

#### WEB SITE

This public notice, the regulation text, the initial statement of reasons, and other related documents, are available from the DMH world-wide-web site [http://www.dmh.ca.gov/Admin/regulations/rulemaking\\_pkgs.asp](http://www.dmh.ca.gov/Admin/regulations/rulemaking_pkgs.asp).

#### CONTACT

Inquiries concerning the rulemaking process described in this notice may be directed to Steve Appel, Chief, Office of Regulations, by electronic mail [DMH.Regulations@dmh.ca.gov](mailto:DMH.Regulations@dmh.ca.gov) or telephone 916-654-4027. The backup contact person is Gayathri Murthy, Office of Legal Services at 916-653-2319. Inquiries concerning the substance of the rulemaking may be directed to Sophie Cabrera at 916-654-6605.

Hearing impaired persons wishing to utilize the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 800-735-2929, if you have a TDD; or 800-735-2922, if you do not have a TDD.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) service is Medicaid's comprehensive and preventive child health program for individuals under the age of 21. States are required to inform all Medicaid-eligible persons under age 21 that EPSDT services as described in section 1905(r) of the Social Security Act are available and the need for age-appropriate immunizations.

The Department of Health Services (DHS) is the single state agency under federal Medicaid law with the responsibility and authority for administering the Medi-Cal program, including the supervision and oversight of other entities providing Medi-Cal services. Federal law allows for an interagency agreement between DHS and the Department of Mental Health (DMH), whereby DMH agrees to provide administration and oversight of the mental health plan (MHP) contracts and the provision of medically necessary specialty mental health services to Medi-Cal beneficiaries.

In California, EPSDT, which is one of the specialty mental health services defined in Title 9, California Code of Regulations (CCR), Section 1810.247 must be provided to Medi-Cal beneficiaries of each county through the MHP which contracts with DMH. However, problems arose when a foster care child who was adjudicated in one county and was placed in another county and needed outpatient specialty mental health care services from an entity other than their local MHP. There were disagreements as to which county was responsible for the cost of the mental health care and authorizing the care in a timely manner. Senate Bill (SB) 745, (Chapter 811, Statutes of 2000) added Section 5777.6 to the Welfare and Institutions Code (W&IC) requiring local mental health plans to establish a procedure to ensure access to outpatient mental health services for foster children placed outside of their county of origin (adjudication).

Unfortunately, even with the enactment of SB 745, foster and adopted children and youth are still experiencing difficulties in obtaining access to mental health services when they are placed outside of their county of origin. The California Institute for Mental Health (CIMH), in partnership with the Child and Family Policy Institute of California (CFPIC), with a grant from the Zellerbach Family Foundation have led a project to address the issue of timely access to mental health care for foster care children placed outside of their county of origin.

After careful analysis, it was decided that the most effective method to resolve the timely access issue for foster and adopted children placed out of county was to amend Sections 1830.220(b) of the regulations to re-

quire a specified timeframe for authorizing and reimbursing for mental health services. This in effect will institute a statewide approach to mental health service for out-of-county placements. W&IC Section 5777.6(b)(1) provides the authority for implementing state-wide procedures without having to seek federal approval.

DMH recognizes that other populations of EPSDT eligible children who are placed out of county would benefit from similar provisions and considered extending this requirement to other EPSDT eligible children and youth not under the auspices of the Foster Care or the Adoption Assistance programs, however DMH has focused on foster and adopted children as they represent a population that currently experiences significant delays in service and can be immediately assisted by the amendments to the Title 9 regulations.

DMH will continue to conduct research on the various statutes and regulations for other programs to determine the feasibility of extending the provision as defined in this regulation package to other EPSDT eligible children placed out of county.

This proposed regulation package adopts Sections 1810.207.5 and 1810.220.5, Title 9, California Code of Regulations (CCR) to incorporate relevant definitions from CCR, Title 2, Section 60020 with the intent of providing program clarity for the Authorization of Out-of-Plan Services requirement in Section 1830.220(b)(4)(A). The definitions from Title 2 will be incorporated by reference, with slight modifications into Title 9. This package also amends Section 1830.220(b)(4)(A) to provide prescribed timeframes in the authorization of services for foster care and adopted children and youth placed outside of their county of origin to ensure access to outpatient mental health services as mandated by SB 745 and Title 42, Code of Federal Regulations, Part 438, Section 438.210. The rulemaking has also been forwarded to DHS, the single state agency for review.

#### AUTHORITY

Section 7576, Government Code; and Sections 5777.6 and 14680, Welfare and Institutions Code.

#### REFERENCE

Section 56331, Education Code; and Sections 5777, 5777.6, 11400, 14680, 14684, and 16115, Welfare and Institutions Code; and Section 438.210 of Title 42, Code of Federal Regulations.

#### MATERIALS RELIED UPON IN PROMULGATING THIS RULEMAKING

California Department of Social Services regulation, Manual of Policies and Procedures, Section 11-400(h)(1) (<http://www.dss.cahwnet.gov/getinfo/pdf/fcmana.pdf>).

#### FISCAL IMPACT ESTIMATE

- A. **Fiscal Effect on Local Government:** No additional expenditures or savings because the proposed changes are expanding the regulations to specify timeframes for already required procedures.
- B. **Fiscal Effect on State Government:** It is anticipated that State agencies will be able to absorb these additional costs within their existing budgets and resources.
- C. **Fiscal Effect on Federal Funding of State Programs:** These proposed changes to the regulations are not changing any federal requirements but clarifying existing requirements by imposing specified timeframes for the local mental health plan providers.
- D. **Fiscal Effect on Private Persons or Businesses Directly Affected:** Impacts businesses and/or employees, including public and private agencies for foster family agencies and group homes.

#### DETERMINATIONS

DMH has determined that the proposed regulatory action does not impose mandates on county government because each local mental health plan is required by statute to develop procedures to ensure that foster children placed outside of their county of origin have access to outpatient mental health services.

DMH has determined that the regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

DMH has determined that the regulations would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

4. DMH has determined that these regulations may impact small businesses.
5. Housing costs within the State of California.

#### AVAILABILITY OF STATEMENT OF REASONS AND REGULATION TEXT

DMH prepared and has available for public review an initial statement of reasons for the regulations, all the information upon which the regulations are based, and the text of the regulations. These documents are posted on the DMH web site. A copy of the initial statement of reasons and the text of the regulations are available upon request to the Office of Regulations at the address noted above. This address will be the location of public records, including reports, documentation, and other material related to the regulations. In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations or from the DMH web site.

#### AVAILABILITY OF THE CHANGED OR MODIFIED REGULATION TEXT

After considering all timely and relevant comments received, DMH may adopt the regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which DMH adopts the regulations. Any modifications will also be posted on the DMH web site. Requests for copies of any modified regulations should be directed to Steve Appel, Office of Regulations, at the address indicated above.

#### ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.2(b)(3)(A), DMH must determine that no reasonable alternative considered by the DMH, or that has been otherwise identified and brought to the attention of DMH, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

DMH has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, DMH will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations during the written comment period.

### TITLE 14. FISH AND GAME COMMISSION

#### Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, and 205 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, and 7652, of said Code, proposes to amend sections 1.17, 1.59, 27.60, 27.90, 28.59, 159, and 195, and add sections 1.46, 28.38, 28.41, and 28.42, Title 14, California Code of Regulations, relating to Albacore and Bluefin Tuna Bag Limits.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### ***1. Establish a 10-Fish Daily Bag Limit South of Point Conception and a 25-Fish Daily Bag Limit North of Point Conception for Albacore in State Waters for Consistency with New Federal Regulations; Establish a 10-Fish Daily Bag Limit for Bluefin Tuna in State Waters for Consistency with New Federal Regulations***

The proposed regulations would establish daily bag limits for albacore and bluefin tuna caught in California's jurisdictional waters (generally 0 to 3 nautical miles offshore) between the US-Mexico and the California-Oregon borders.

The purpose of the proposed action is to conform California's ocean sport fish regulations to new federal NOAA Fisheries regulations for two federally-managed highly migratory species, North Pacific albacore (*Thunnus alalunga*) and northern bluefin tuna (*Thunnus orientalis*). Both species are targeted by recreational anglers in ocean waters adjacent to the State of California. The federal regulations, recommended by the Pacific Fishery Management Council (PFMC), will apply to federal waters outside but adjacent to California waters, generally between 3 and 200 miles offshore. They are expected to become effective in the fall of 2007.

Currently, recreational anglers fishing off California are not limited in their take of albacore and bluefin tuna, as they are included in the list of species in Section 27.60, Title 14, CCR, for which there is no daily bag limit.

The new federal regulations will include a differential bag limit for albacore caught in federal waters north



and south of Point Conception. The daily limit for albacore will be 25 fish north of Point Conception and 10 fish south of Point Conception. This regional approach to bag limits was established in order to account for different fishing strategies for this species in northern versus southern California waters. Additionally, a bag limit of 10 fish for bluefin tuna will apply in all federal waters off California. The proposed conforming regulations for state waters, which would be established in new Section 28.38, Title 14, CCR, would mirror these new federal regulations.

The new bag limits were approved by the PPMC consistent with guidance provided by the Inter-American Tropical Tuna Commission's (IATTC) 2005 Resolution C-05-02 on North Pacific Albacore, and the 2004 Recommendation for Northern Bluefin Tuna in the North Pacific Ocean by the International Scientific Committee (ISC) for Tuna and Tuna-Like Species. The bag limits are considered a conservation measure aimed at preventing increases to current fishing mortality levels for these species.

The best scientific evidence for albacore and bluefin tuna from the IATTC and the ISC indicates both species are either fully exploited, or may be experiencing fishing mortality above levels that are sustainable in the long term. Given there is presently no limit on the take of albacore and bluefin in California's recreational fishery, there is a possibility that current fishing mortality may increase above present levels. Therefore, the proposed regulatory changes are likely to assist in achieving the management goals of the federal fishery management plan for US West Coast Fisheries for Highly Migratory Species, and are necessary for the sustainable management of these important recreationally and commercially harvested tuna species.

Unlike most bag limit regulations established by the Commission for ocean waters, under the proposed regulations albacore and bluefin tuna taken by recreational anglers in California would not apply toward the general 20-fish bag limit established in Section 27.60, Title 14, CCR. Therefore, in waters south of Point Conception, anglers would be authorized to take 10 albacore, 10 bluefin, and 20 other finfish in combination not to exceed 10 of any one species per day, unless otherwise specified. North of Point Conception, anglers would be authorized to take 25 albacore, 10 bluefin, and 20 other finfish in combination not to exceed 10 of any one species per day, unless otherwise specified.

## ***2. Technical, Organizational and Clarifying Changes to Regulations in Subdivision 1 of Title 14, Regarding Existing Daily Bag Limits***

Organizational changes affecting several sections of Title 14 regulations are proposed to improve clarity and enforceability. The modifications follow from public

and Department-initiated comments on the complexity of the ocean sport fishing regulations.

Section 27.60 currently prescribes both general and special bag limits for all species taken in ocean waters. Meanwhile, many other species-specific sections in Chapter 4, Subdivision 1, of Title 14 also list the special bag limits for individual species or groups of fish. It is unnecessarily duplicative to specify the special bag limits both in Section 27.60 and elsewhere. The proposed changes would move these special limits into other sections if necessary, and allow the general bag limit of 20 fish to stand alone in Section 27.60.

All but five of the species currently enumerated in Section 27.60 have their respective special bag limits specified elsewhere in this Chapter. The five species are: sixgill shark, sevengill shark, shortfin mako shark, thresher shark, and blue shark. The proposed changes would move these special limits into new Section 28.41 (sixgill and sevengill shark, where the limit is one) and Section 28.42 (blue, thresher, and shortfin mako shark, where the limit is two). Although Sections 28.41 and 28.42 would become new sections of Title 14, the substance of the regulations themselves would remain unchanged. It is anticipated that this reorganization will make the special bag limits for these species easier for anglers to locate.

Resulting from the proposed new bag limits for albacore and bluefin tuna as described in item 1 above, a new Section (28.38) is proposed for addition to Title 14, which will specify (and therefore clarify) the daily bag limits that apply to all varieties of tuna. Presently, there is no specific mention of yellowfin tuna or bigeye tuna anywhere in regulations of Title 14 because the general bag limit applies to these species. Additionally, there is no limit on skipjack tuna. Because the regulations will differ considerably depending on the species of tuna, possibly causing confusion for anglers, the Department believes the proposed new Section will improve clarity regarding what bag limit applies for each species. However, other than for albacore and bluefin tuna, no substantive changes to bag limits are proposed in the course of this proposed reorganization.

Additionally, under the current regulatory organization there is a need to amend Section 27.60 every time a special bag limit is changed. As a result, this Section is routinely amended. Moreover, the frequency of special bag limit changes has increased in recent years. These recurring amendments to Section 27.60 have resulted in confusion and difficulty tracking the often-competing rulemaking files, which increases the potential for error.

The proposed changes to the organization of Section 27.60 and elimination of the special bag limits described above results in the need to amend references to Section 27.60 in several other sections of Title 14. That



is the basis for the amendments proposed herein to Sections 1.17, 1.59, 27.90, 28.59, and Section 195. Minor clarifying and technical changes to the remaining regulatory text of Section 27.60 are proposed as well.

**3. Establish a general definition of “finfish” by adding Section 1.46; for clarity and enforceability**

The Department proposes adding Section 1.46 to provide a general definition of “finfish” in order to improve clarity and enforceability. While the term “finfish” is referenced in various places throughout Title 14, there is currently no definition of finfish which applies generally. There is a specific definition of finfish provided in Section 159, however, that definition is intended to apply only to commercial fishing for coastal pelagic species, and should not be applied generally.

The proposed general definition to be added in Section 1.46 is consistent with the common practice of both anglers and Department enforcement staff, namely, that “finfish” mean what the term implies, but does not include invertebrates. Finfish would be defined in new Section 1.46 as any species of bony fish or cartilaginous fish (sharks, skates and rays), and would exclude amphibians, invertebrates, plants or algae. This definition would apply both in ocean and inland waters of California.

Proposed amendments to Section 159 would clarify that the finfish definition in that Section should not be applied generally.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Bridgeport Memorial Hall, 75 North School Streets, Bridgeport, California on Friday, July 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the County Administration Building, Board of Supervisors Hearing Room, 105 East Anapamu Street, 4<sup>th</sup> Floor, Santa Barbara, California on Friday, August 10, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 3, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 6, 2007. All comments must be received no later than August 10, 2007, at the hearing in Santa Barbara, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information

upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Marci Yaremko, Marine Region, phone (805) 568-1220, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

**Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

An analysis of the albacore taken by recreational anglers from 1997 to 2003 (See: *PPMC Decision Support Document, November 2006. Agenda Item C.2.a., Attachment 2. Implement Daily Bag Limits for North Pacific Albacore and Northern Bluefin Tuna Caught by Recreational Anglers in Federal Exclusive Economic Zone Waters Adjacent to California*) indicates the proposed bag limits for albacore would accommodate what is already taking place in the fishery: 99 percent of anglers land between 1 to 10 fish per day when fishing south of Point Conception and between 1 to 12 fish per day when fishing north of Point Conception. Therefore, it is anticipated that the proposed action would not have a significant regional or statewide adverse economic impact on small business, including the ability of California businesses to compete with businesses in other states. However, the Department acknowledges there could be nominal impacts to commercial passenger fishing vessels, tackle retailers, and private boat owners from any constraint on catches that cannot be quantified.

An analysis of the bluefin tuna taken by California recreational anglers from 1998 to 2002 suggests anglers retain five or less bluefin tuna per day. Therefore, implementation of a daily bag limit of ten bluefin tuna is similarly expected to accommodate current fishing practices, and is not anticipated to have a significant statewide adverse economic impact on small business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

- (h) Effect on Housing Costs: None

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570–72, 1765, and 10504 of the Fish and Game Code and to implement, interpret or make specific sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570–1572, 1585, 1764, 1765, 2006, and 10504, of said Code, proposes to amend sections 550, 551 and 552, Title 14, California Code of Regulations, relating to State and Federal Areas.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing regulations in Sections 550, 551, and 552, Title 14, CCR, provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department also administers the waterfowl hunt program on a number of Federal wildlife refuges. The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

**The Department of Fish and Game proposes the following amendments to Section 550 Pertaining to Regulations for General Public Use Activities on State Wildlife Areas:**

Add Cartego Wildlife Area, Inyo County as a Type C area to Section 550 for the protection of wetland and

upland habitats and to provide public use opportunities. The Wildlife Area is part of Owens Dry Lake Bed and is currently undesignated. The purpose of the Wildlife Area is to provide upland and waterfowl habitat for recreational opportunities to local residents and visitors.

Delete Eureka Slough Wildlife Area, Humboldt County from Section 550 because it is no longer owned or operated by the department. The property was conveyed to the U.S. Fish and Wildlife Service for inclusion within Humboldt Bay National Wildlife Refuge.

Remove Fitzhugh Creek Wildlife Area, Modoc County, Type C area, and replace it in the listing of areas in Section 550 to correct an alphabetizing error.

Add French Valley Wildlife Area, Riverside County as a Type C area to Section 550 for the protection of habitat for Stephen's kangaroo rat and burrowing owl, and to provide public use opportunities. The property is currently undesignated.

Delete Indian Tom Wildlife Area, Siskiyou County, Type C area, from Section 550 because the property is no longer owned or operated by the department.

Amend Section 550 for Napa-Sonoma Marshes Wildlife Area, Solano, Napa and Sonoma Counties to add the recently acquired Green Island and Southern Crossing management units as non-Type C management units. An additional amendment would include the existing White Slough management unit in the listing with the other newly acquired non-Type C units for clarity.

Amend Subsection 550 for the Petaluma Marsh Wildlife Area, Marin and Sonoma Counties to add the recently acquired Bahia management unit as a non-Type C management unit. The Day Island, Green Point, Novato Creek, Point Sonoma, and Rush Creek management units would also be included in the listing with the newly acquired non-Type C management unit for clarity.

Add South Spit Wildlife Area, Humboldt County, Type C area to Section 550 for the protection of coastal dune habitat that supports several rare, threatened and endangered plants and birds, and to provide compatible public recreational opportunities.

Delete Spannus Gulch Wildlife Area, Siskiyou County, Type C area from Section 550 because it is no longer owned or operated by the department.

Rename the Walker River Wildlife Area, Mono County, Type C in Section 550 to West Walker River Wildlife Area to reflect the correct name of the area, and to more clearly distinguish it from the East Walker River Wildlife Area.

Amend general Area Regulation 550(b)(6)(A) pertaining to Motor Vehicles to prohibit the use of off-road vehicles or all terrain vehicles on areas owned or managed by the department, except as provided in special area regulations of Subsections 551(q) and 552(a). This

amendment is for the protection of species and habitats from damage and disturbance, and for the protection of public safety.

Amend general Area Regulation 550(b)(8)(B)(2) pertaining to Boats and add Subsection 550(b)(8)(B)(5). These amendments would require persons to remove their boats from the beach of an area when requested to do so by a department employee. They would also allow peace officers to remove boats of persons who do not comply with requests to remove their boats from the beaches or waters of an area, and to allow peace officers to remove any boat that is left unattended on the waters or beach of an area for more than 72 hours. These amendments will clarify that when requested by a department employee, persons are required to remove boats from beaches, just as they would be required to remove them from the waters of an area. In addition, these amendments give the department and other law enforcement agencies the ability to take action to prevent or minimize harm to species, habitats, water quality, public health, and public safety that abandoned boats can cause on wildlife areas.

Amend general Area Regulation 550(b)(8)(B)(4) pertaining to Boats to allow for exceptions in Subsection 551(q) to the 5 mile per hour speed limit for boats on wildlife areas. This amendment will allow the department to evaluate the potential for additional recreational uses on lands it administers, and allow these uses if they are appropriate and consistent with the purpose of the area.

Amend general Area Regulation 550(b)(8)(B)(12) pertaining to Camping to clarify that staying on a boat is considered camping and subject to the same restrictions as camping on land on wildlife areas. These restrictions and clarification are necessary for the protection of species, habitats, public health and public safety from the impacts of boats and their inhabitants remaining on areas for extended periods of time.

Amend general Area Regulation 550(b)(19) to clarify that the subsection pertains to Areas where hunting and possession of firearms and archery equipment are prohibited, and to correct a grammatical error.

Add new general Area Regulation 550(b)(20) to prohibit the possession or use of fireworks, explosives or incendiary devices, unless permission is given in writing by the regional manager, or allowed by Subsections 551(b) or 551(q). These amendments are necessary to protect species, habitats and public safety.

Amend general Area Regulation 550(b)(21) pertaining to the Possession and Use of Alcohol to also prohibit the use of other controlled substances on any area managed or controlled by the department. This proposed regulation is needed to protect public health and safety. Including controlled substances in this Subsection al-



lows penalties for violation of this section that are commensurate with those for possession and use of alcohol.

Section 550 is renumbered and re-lettered to account for the addition of new subsections and deletions.

**The Department of Fish and Game proposes the following amendments to Section 551. Hunting, Firearms, and Archery Equipment Use and Permit Requirements on State and Federal Areas:**

Add Sacramento River National Wildlife Refuge, Tehama, Butte, and Glenn Counties, Type C area to Section 551 for the protection of Central Valley floodplain forests, wetlands, grasslands and aquatic habitats for native fish, wildlife and plants of the Sacramento River ecosystem; to provide educational programs; and promote high quality wildlife-dependent recreational opportunities. The proposed amendments identify the following management units: La BARRanca Unit, Blackberry Island Unit, Mooney Unit, Ohm Unit, Flynn Unit, Heron Island Unit, and Rio Vista Unit (Tehama Co.); Pine Creek Unit, Dead Man's Reach Unit, North Llano Seco Island 1 & 2 Units, and Llano Seco Riparian Sanctuary Unit (Butte Co.); and McIntosh Landing North and South Units, Capay Unit, Phelan Island Unit, Jacinto Unit, Ord Unit, Ord Bend Unit, South Ord Unit, Hartley Island Unit, Sul Norte Unit, Codora Unit, Packer Unit, Head Lama Unit, North Drumheller Slough Unit, and Drumheller Slough Unit (Glenn Co.). The refuge will be managed as a Type C area by the U.S. Fish and Wildlife Service in conjunction with the California Department of Parks and Recreation under a Memorandum of Understanding.

Add Stone Lakes National Wildlife Refuge, Sacramento County, Type A area to Section 551 for the protection of wetland and riparian habitats for migratory birds while allowing for hunting, fishing, wildlife observation, photography, and environmental education and interpretation.

Amend Subsection 551(b)(3) to prohibit the use or possession of shot size larger than BB in non-toxic shot other than steel on state and federal areas. The existing regulation prohibits shot sizes larger than BB in lead and size T in steel, and allows the use of shotguns with slugs for areas where big game hunting is allowed. The proposed amendment would place an emergency information item from two years ago into regulation to protect public safety. This amendment will help prevent injury by prohibiting larger shot sizes capable of severely injuring individuals at distances over 100 yards.

Add Subsection 551(b)(4) to state that on areas with ammunition restrictions, only those with a valid hunting permit for that day may possess ammunition in the field. This amendment is necessary to prohibit non-hunters from possessing ammunition in the field.

Amend Subsection 551(h)(3) to require that all game taken on a state or federal wildlife area must be shown to

any department employee upon request before leaving the area. This amendment is necessary for department employees to verify reports of game taken by hunters, which is essential for collection of accurate biological data.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Napa-Sonoma Marshes Wildlife Area (Solano, Napa, Sonoma Counties) to add the recently acquired Green Island and Southern Crossing management units as non-Type C management units.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Petaluma Marshes Wildlife Area (Marin and Sonoma Counties) to add the recently acquired Bahia management unit as a non-Type C management unit.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q) and 551(q)(74) to correct the name of Hollenbeck Canyon Wildlife Area. The existing regulations incorrectly refer to the area as Hollenbeck Wildlife Area. In addition, Authorized Species for Hollenbeck Canyon Wildlife Area would be amended to include American crow and coyote to expand hunting opportunities on the area. Adequate populations of these species exist to support the additional public hunting opportunities allowed by this proposed amendment.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to add regulations for the existing Sacramento River Wildlife Area prohibiting motorcycles, all terrain vehicles (ATV's), vehicles, horses and horseback riding for the protection of species and habitats. Proposed special access restrictions would specify Colusa South, Colusa North, Moulton South, Moulton North, Stegeman, Princeton South, Beehive Bend, Oxbow, Jacinto, Ord Bend, Shannon Slough, Pine Creek North, Wilson Landing, Dicus Slough, and Merrills Landing as accessible only by boat. Princeton Southeast, Princeton East, Princeton North, Site 21, Pine Creek West and Pine Creek East Units would be accessible only by boat, or by foot. These access restrictions are for the protection of riparian species and habitats and to clarify appropriate means of access for each unit of the wildlife area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Ash Creek Wildlife Area to add deer to the list of species that may be taken during junior hunts only. The department has submitted a proposal to amend the Mammal Hunting Regulations (November 2006) to support this proposed junior hunt. If the junior deer hunt is approved in the mammal regulations, this proposed regulation would allow the junior hunt to proceed on the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS for Big Lagoon



Wildlife Area to correct a spelling error. The word “boards” should read “boats”.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Subsections 551(q)(6)(E), 551(q)(7)(E), 551(q)(8)(E), 551(q)(11)(E), and 551(q)(13)(E) Special Restrictions to close Eel River Wildlife Area, Cannibal Island Unit; Elk River Wildlife Area; Fay Slough Wildlife Area; Lake Earl Wildlife Area, Bush Creek Unit; and Mad River Slough Wildlife Area to all public use from the Monday following youth hunting days until April 1 in accordance with Subsection 502(e) (1)(B)(5). This amendment is necessary to help alleviate depredation on private lands caused by increasing populations of Aleutian geese. Closing these areas to public use during the time period proposed will maximize Aleutian goose use on managed state lands, and help minimize depredation on private lands.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to add South Spit Wildlife Area to the list of wildlife areas, and to add Subsection 551(q)(16) with additional regulations for the refuge. The following additional regulations are proposed to protect species and habitats and to allow for compatible public use opportunities:

- Subsection 551(q)(16)(A) would prohibit the use or possession of rifles, pistols or archery equipment
- Subsection 551(q)(16)(B) would allow hunting daily for authorized species.
- Subsection 551(q)(16)(C) proposes waterfowl, coot and snipe as authorized species for hunting.
- Subsection 551(q)(16)(D) would prohibit camping
- Subsection 551(q)(16)(E) Special Restrictions are proposed to require dogs to be on leash from March 1 to September 15 on the west side of South Jetty Road. Vehicle use would be allowed on designated access roads, corridors and waveslope only. The use of all-terrain vehicles would be allowed on the west side of South Jetty Road on designated access corridors and waveslope only. In addition, the amendments would allow firewood cutting by permit from September 16 to February 28, and permit equestrian use on the west side of South Jetty Road.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(24) and add the existing language for Decker Island Wildlife Area as Subsection 551(q)(43). This amendment will list the area as a Region 3 area to reflect the department’s new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Feather River Wildlife Area to close the Shanghai Bend Unit. This unit immediately adjoins the urban area of Yuba City. Due to its small acreage and close proximity to a highly populated community, the unit is not suitable for hunting or the discharge of any firearm.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Camping and Trailers for Gray Lodge Wildlife Area to clarify that the placement of trailers on the area is allowed one week prior to the beginning of waterfowl hunting season on the area, and that trailers may remain on the area for one week after the close of waterfowl season on the area. This amendment is to clarify that the dates of these restrictions are related to waterfowl seasons of the area, and are not to be based on waterfowl seasons in other areas of the state. In addition, Special Restrictions would be amended to specify that closure dates for non-hunting uses are related to the waterfowl season of the area, and that wildlife viewing areas referenced in the Special Restrictions are those designated by the department.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Hallelujah Junction Wildlife Area to prohibit motorcycles and to extend the closure of the area two additional months from February 1 to June 30. Existing regulations close the area from February 1 to April 30. These amendments are necessary to prevent disturbance to the wintering Loyaltown–Truckee deer herd, particularly gestating females which are in sub-optimal condition during this time of year due to poor winter nutrition. The herd remains on the area into late May or early June before migrating to its summer ranges.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(31) and add the existing language for Lower Sherman Island Wildlife Area as Subsection 551(q)(49). This amendment will list the area as a Region 3 area to reflect the department’s new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(32) and add the existing language for Miner Slough Wildlife Area as Subsection 551(q)(50). This amendment will list the area as a Region 3 area to reflect the department’s new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Oroville Wildlife Area to allow motorized boat speeds in excess of 5 miles per hour on the south portion

of the Thermalito Afterbay Unit, and to limit the speed of motorized boats to 5 miles per hour on all other portions of the area. This amendment is necessary for department consistency with a Federal Energy Regulatory Commission Project 2100 settlement agreement in which the department agreed to submit a regulation proposal to allow boat speeds in excess of 5 miles per hour on the south portion of the Thermalito Afterbay Unit. In addition, this amendment allows historical recreational uses to continue on the area. An additional amendment would allow entry from 1 1/2 hour before sunrise to one hour after sunset. The area would be closed to all public uses from one hour after sunset until the legal entry time the following morning, except for designated camping areas, which would be open 24 hours. These amendments are needed to clarify the times and locations the area is open for public use.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(36) and add the existing language for Rhode Island Wildlife Area as Subsection 551(q)(55). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to add Sacramento River National Wildlife Refuge, a Type C area in Tehama, Butte, and Glenn Counties, to the list of properties. In addition, Subsection 551(q)(37) would be added to provide additional regulations for the refuge. The additional regulations are proposed to provide necessary use restrictions and increased public use opportunities. They are listed below:

- Subsection 551(q)(37)(A) is proposed to limit the method of take to shotgun and archery only. This subsection would also restrict ammunition to federally approved nontoxic shot only while in the field in accordance with Subsection 32.2(k) of the Federal Register. An exception in the proposed regulation would allow shotgun slugs to be used when hunting deer. Rifles, crossbows, air guns and pistols would be prohibited. Falconry and shotgun shooting would also be prohibited.
- Subsection 551(q)(37)(B) is proposed to allow hunting daily during open seasons for authorized species
- Proposed Subsection 551(q)(37)(C) opens to hunting the La Barranta, Mooney, Heron Island, Rio Vista, Pine Creek, Capay, Phelan Island, Jacinto, South Ord, Llano Seco Islands 1 & 2, and Sul Norte Units. The Mooney Unit would not be open to waterfowl hunting. The proposed regulation refers users to Refuge maps and signs to

identify areas open to hunting. All other areas and species would be closed to hunting. Commercial guiding would be prohibited.

- Subsection 551(q)(37)(D) Migratory Game Bird Hunting is proposed to allow hunting for goose, duck, coot, moorhen, dove and snipe on designated areas in accordance with state regulations subject to the following restrictions:

551(q)(37)(D)(1) would allow shotguns only.

551(q)(37)(D)(2) for the Sul Norte Unit would require firearms to be unloaded, with chamber and magazine of firearm empty, before they are transported between parking and hunting areas.

551(q)(37)(D)(3) would close the Mooney Unit to waterfowl hunting.

551(q)(37)(D)(4) would allow only federally approved nontoxic shot while in the field in accordance with 32.2(k) of the Federal Register.

551(q)(37)(D)(5) would prohibit hunting within 50 feet of any landward boundary adjacent to private property.

551(q)(37)(D)(6) would prohibit hunting within 150 yards of any building.

551(q)(37)(D)(7) would limit units open to public hunting to access by boat only, except on the Sul Norte Unit, which may be accessed by foot or by boat. This proposed regulation would also prohibit bicycles or other conveyances. In addition, mobility impaired hunters would be required to consult with the refuge manager for allowed conveyances.

551(q)(37)(D)(8) would prohibit fires, except that the use of portable gas stoves on gravel bars would be allowed in accordance with Section 27.95 of the Federal Register.

551(q)(37)(D)(9) would allow camping on gravel bars for up to seven days in any 30 day period and prohibit camping on all other refuge lands.

551(q)(37)(D)(10) would allow day-use access from 1 1/2 hour before legal shoot time until 1 1/2 hour after legal sunset, except that access would be allowed on gravel bars as specified in subsections (D)(8) and (D)(9).

551(q)(37)(D)(11) would require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities and under the immediate control of a licensed

hunter or dog handler in accordance with Subsection 26.21(b) of the Federal Register.

551(q)(37)(D)(12) would prohibit permanent blinds and require all personal property, including decoys and boats, to be removed by 1 1/2 hour after legal sunset in accordance with Section 27.93 and 27.94 of the Federal Register;

551(q)(37)(D)(13) would prohibit cutting or removal of vegetation for blind construction or making trails, in accordance with Section 27.51 of the Federal Register.

- Subsection 551(q)(37)(E) Upland Game Hunting is proposed to allow hunting for pheasant, turkey and quail on designated areas of the refuge in accordance with state regulations, subject to restrictions proposed in Subsection 551(q)(37)(E)(1) that would allow shotgun and archery hunting only. In addition, regulations proposed in subsections 551(q)(37)(D)(2) through (D)(12) would apply.
- Subsection 551(q)(37)(F) Big Game Hunting is proposed to allow hunting for black-tailed/mule deer on designated areas of the refuge in accordance with state regulations subject to the following restrictions:

Subsections 551(q)(37)(D)(2), (D)(4) through (D)(12), and (E)(1) would apply.

Subsection 551(q)(37)(F)(2) would prohibit the use of permanent blinds, platforms, ladders or screw-in foot pegs.

551(q)(37)(F)(3) would require the removal of all personal property, including stands, from the refuge by 1 1/2 hour after legal sunset in accordance with Sections 27.93 and 27.94 of the Federal Register.

551(q)(37)(F)(4) would allow shotgun, firing single shotgun slugs, and archery hunting only. The use of rifles, air guns, or pistols would be prohibited.

- Subsection 551(q)(37)(G) Sport Fishing would allow sport fishing on the refuge in accordance with state regulations and subject to Subsections 551(q)(37)(D)(7), (8), (9), and (12). In addition Subsection 551(q)(37)(G)(2) for Packer Lake would allow only boats up to 14 feet and canoes. Only electric motors would be allowed.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to make an administrative change for Spenceville Wildlife Area for consistency with the rest of the subsection. The number "9" is replaced with the word "nine".

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS to add Special Restrictions for Sutter Bypass Wildlife Area which would close portions of the east and west levees of the area that are adjacent to Sutter National Wildlife Refuge to the pursuit and take of waterfowl (ducks, geese, coots and moorhens). In addition, an area of the east levee would be closed to all hunting pursuant to Section 625, Title 14, CCR. The proposed amendment also defines the geographical extent of the proposed closure. The west levee would be closed from the northern boundary of the Sutter National Wildlife Refuge (SNWR), south to Oswald/Hughes road. The east levee would be closed from the northern boundary of the SNWR, south to the SNWR check station parking lot. An additional closure to all hunting would apply to the east levee from the SNWR parking lot south to the southern boundary of the SNWR, pursuant to Section 625, Title 14, CCR. The proposed amendments also clarify that all other portions of the Sutter Bypass Wildlife Area would continue to remain open for hunting, fishing and other recreation pursuant to Sections 550, 551 and 625, Title 14, CCR. These closures have been implemented under the authority of the Regional Manager for the past two years. Due to the proximity of these areas to the Sutter National Wildlife Refuge closed zone and a public road, it is necessary to close the areas for the protection of species in the closed zone, and for public safety.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Upper Butte Basin Wildlife Area to require hunters to hunt from assigned blinds when within assigned blind areas on all units of the wildlife area. The existing regulations require hunters within the assigned blind areas of the Little Dry Creek Unit to hunt from assigned blinds. The proposed change would require hunters within areas with assigned blinds on all units of the wildlife area to hunt from the assigned blinds for hunter safety and to provide a high quality hunting experience. This change will provide consistency across the wildlife area and provide needed regulations for assigned blind areas as they are developed.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(43) and add the existing language for White Slough Wildlife Area as Subsection 551(q)(57). This amendment will list the area as a Region 3 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete Subsection 551(q)(44) for Yolo Bypass Wildlife Area and replace it with Subsection 551(q)(58), listing the area with the department's Region 3 areas to reflect the department's new regional boundaries. The addition of



mourning dove to the list of authorized species is also proposed to allow additional hunting opportunity consistent with the purpose of the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Grizzly Island Wildlife Area to allow public entry only between sunrise and sunset, except by written permission. In addition, existing regulations allowing public use on the Island Slough Unit from the end of waterfowl season to September 30 would be amended to close this unit to public use during this period, except with written permission from the area manager for the protection of the salt marsh harvest mouse and its habitat. Fishing access along Montezuma Slough would be open all year without hour restrictions on the Island Slough and Montezuma Slough Units. An additional amendment would exempt Goodyear Slough south of Lake Herman Road and east of the eastern most railroad tracks from the prohibition on boat access. The Grey Goose Unit and Goodyear Slough Unit would be restricted to prohibit foot access, allowing boat access only. These proposed amendments are necessary to regulate public access for the protection of species, habitats, public health, public safety and area infrastructure, and to allow appropriate public use and access to the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(45) and add the existing language for Big Sandy Wildlife Area as Subsection 551(q)(59). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(46) and add Subsection 551(q)(21) for Cache Creek Wildlife Area. The purpose of this change is to list the area as a Region 2 area to reflect the department's new regional boundaries. An additional proposed amendment would eliminate the requirement for an entry permit for the first two days of the spring turkey season. The issuance of entry permits is no longer necessary because there is an adequate number of parking areas to safely distribute hunters on the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Laguna Wildlife Area to allow waterfowl hunting within designated areas of the Laguna de Santa Rosa between Occidental Road and Guerneville Road. These regulations are necessary to allow, and identify areas for appropriate public use. In addition, horseback riding and permanent blinds would also be prohibited to protect sensitive species and habitats on the area from disturbance and habitat damage.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(48) and add the existing language for Indian Valley Wildlife Area as Subsection 551(q)(32). This amendment will list the area as a Region 2 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Napa-Sonoma Marshes Wildlife Area to close the American Canyon Unit to hunting and the use of firearms and archery equipment south of the PG&E power lines. This amendment is necessary to protect public safety. Closure of the Green Island and Southern Crossing Unit is also proposed until restoration activities are near completion for the protection of important species and habitats. In addition, only steel or other non-toxic shot approved by the U.S. Fish and Wildlife Service would be allowed south of Highway 37 for consistency with adjacent federal areas. Dogs would be required to be on leash at all times, except when they accompany a valid hunting license holder during hunting season. This amendment is necessary for the protection of species, habitats and public safety. An amendment prohibiting permanent blinds is for the protection of species and habitats on the area.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Petaluma Marsh Wildlife Area to add the recently acquired Bahia management unit to the list of areas closed to hunting and the use of firearms and archery equipment. Existing restrictions that would apply to the Bahia Unit under this subsection are the prohibition of dogs from March 2 through June 30, and the requirement that dogs must be on leash at all times. These amendments are necessary for the protection of species and habitats.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(53) and add the existing language for Morro Bay Wildlife Area as Subsection 551(q)(65). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(54) and add the existing language for Moss Landing Wildlife Area as Subsection 551(q)(66). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, to delete existing Subsection 551(q)(59) and add the existing language for San Luis Obispo Wildlife Area as Subsection



551(q)(69). This amendment will list the area as a Region 4 area to reflect the department's new regional boundaries.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Cottonwood Creek Wildlife Area, Lower Cottonwood Creek Unit to require a special permit obtained by special drawing for all entry during the opening weekend of the Zone A general deer season. This amendment is necessary to regulate public use on the area for the safety of visitors and to provide a high quality hunting experience.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Camping and Trailers for Los Banos Wildlife Area to allow camping at the main office parking area only during waterfowl and pheasant seasons and during organized events for the protection of species and habitats, and to limit costs of maintaining camping areas while allowing camping to occur during periods of peak use. An amendment to Special Restrictions is also proposed to permit the department to allow wildlife observation in authorized locations on Mondays, Tuesdays, Thursdays and Fridays during the waterfowl season, rather than on Saturdays, Sundays and Wednesdays as allowed in the current regulations. A new interpretive area is now available for wildlife watching. Since the interpretive area is adjacent to a hunting area, it will be open to viewing only on non-shoot days. In addition, dogs would not be allowed in the interpretive viewing area at any time to prevent the harassment of wildlife using the area, and the fouling of interpretive paths. Another proposed amendment would disallow the use of horses for authorized dog trials by prohibiting horses on the area. This amendment is necessary for the protection of species and habitats from disturbance and damage, and from invasive weed seeds carried by horses and their manure.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Method of Take Restrictions for O'Neill Forebay Wildlife Area to prohibit the use or possession of shotgun slugs. Because the hunting of deer and pig is not permitted on the area, the prohibition of shotgun slugs is necessary to prevent the illegal take of these species, and to protect public safety. An amendment to the regulations for Entry Permits removes the exception to the requirement of self registration during the opening day of dove and pheasant seasons. This exception in the existing regulations states that self registration is not needed because hunter capacity is controlled for the opening days of pheasant and dove seasons. The amendment to this regulation is necessary because the department will no longer control hunter capacity on these opening days due to the small number of pheasants on the area and the typically poor opening day of dove season. Self registration on these

days will be adequate to meet department needs for management and tracking of public use.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Entry Permit for San Luis Reservoir Wildlife Area to require a special permit obtained by special drawing for all entry during the opening weekend of the Zone A general deer season. This amendment is necessary to regulate public use on the area for the safety of visitors and to provide a high quality hunting experience.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Special Restrictions for Volta Wildlife Area to close the area to public use one month earlier by moving the closure start date from September 15 to August 15. The Volta Wasteway Channel would remain open to fishing during this closure as provided in the existing regulations. This closure is necessary to avoid disruption of rest and feeding needed by early arriving migratory waterfowl and shorebirds following long flights from the north.

Amend Subsection 551(q) ADDITIONAL REGULATIONS FOR SPECIFIC AREAS, Reservations for the Davis Road Unit of San Jacinto Wildlife Area to remove the requirement of a reservation for pheasant hunting. This amendment is necessary for the department to fill vacancies in the field created when pheasant hunters with reservations leave the area. By making reservations available, but not required, the department can provide increased opportunity for pheasant hunting.

Section 551 is renumbered and re-lettered to account for the addition of new subsections and deletions.

**The Department of Fish and Game proposes the following amendments to Section 552. Regulations for National Wildlife Refuges Where Hunting Programs are Administered by the Department of Fish and Game:**

Amend Subsection 552(a)(4)(A) Area Firearms Restrictions for Merced National Wildlife Refuge to clarify that a hunter shall not possess more than 25 shot shells per day, and that exiting the field to retrieve additional shells is prohibited, in contrast to regulations on other Type A areas that allow this practice. In addition, Subsection 552(a)(4)(G) is amended to correct a typographical error.

Amend Subsection 552(a)(6)(G) Special Restrictions to prohibit boat speeds over 5 miles per hour. In addition, inboard water thrust and air-thrust boats would be prohibited, as would construction of permanent blinds, and cutting or breaking of woody vegetation. An amendment is also proposed requiring the removal of all blinds and equipment after each day's hunt. These existing federal regulations are proposed for inclusion in Section 552 to clarify all regulations that ap-

ply to the area and for consistency with the federal regulations.

Add Subsection 552(a)(9) to include Stone Lakes National Wildlife Refuge as a refuge with hunting programs administered by the Department of Fish and Game. The following additional regulations are proposed to provide necessary use restrictions for the protection of Central Valley wetland and riparian habitats and the species they support, and to provide increased public use opportunities consistent with the purpose of the refuge:

- Subsection 552(a)(9)(A) Area Firearms Restrictions would allow shotguns and steel or other nontoxic shot approved by the U.S. Fish and Wildlife Service Only, and allow a hunter to possess no more than 25 shot shells while in the field.
- Subsection 552(a)(9)(B) Hunt Days would allow hunting on Wednesdays and Saturdays from 1/2 hour before sunrise until 12 noon.
- Subsection 552(a)(9)(C) Authorized Species would allow hunting for waterfowl, coots, moorhen and snipe.
- Subsection 552(a)(9)(D) would require reservations for hunting.
- Subsection 552(a)(9)(E) would prohibit camping, tents or the building or maintaining of fires.
- Subsection 552(a)(9)(F) would allow decoy carts.
- Subsection 552(a)(9)(G) would prohibit bicycles.
- Subsection 552(a)(9)(H) Reservations would assure each reservation holder of up to two individuals per blind, except for youth draw blinds on Saturdays, which may include two youth hunters accompanied by one adult. Only youths would be able to apply. An additional regulation would specify that the pontoon boat for persons with disabilities is for use by one disabled hunter and one able bodied companion.
- Subsection 552(a)(9)(I) Special restrictions would require hunters assigned to hunting sites to remain in the assigned blind, unless placing decoys, traveling to and from the parking area, retrieving downed birds, or when shooting and retrieving crippled waterfowl.
- Subsection 552(a)(9)(J) would require hunting dogs to remain under leash or voice control at all times.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Bridgeport Memorial Hall, 75 North School Streets, Bridgeport, California on Friday, July 13, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the County Administration Building, Board of Supervisors Hearing Room, 105 East Anapamu Street, 4<sup>th</sup> Floor, Santa Barbara, California on Friday, August 10, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 3, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 6, 2007. All comments must be received no later than August 10, 2007, at the hearing in Santa Barbara, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number.

**Kari Lewis, Wildlife Branch, phone (916) 445-3789, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a

copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. These actions are proposed to provide maximum protection of wildlife and habitat, clarity to language and appropriate management for public use. These regulation changes are sufficiently minor that any economic impact, positive or negative, would not be significant.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code and Part 10, subparts A and B, and Part 20, Title 50, CFR, amended Sept. 18, 1987, 52 Fed. Reg. 35248, proposes to amend sections 502 and 509, Title 14, California Code of Regulations, relating to waterfowl hunting.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the four proposals contained herein, the U.S. Fish and Wildlife Service, after analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed regulations in California. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Items 2 and 3 require changes in the federal regulations and must be approved by the Pacific Flyway Council at their meeting on July 27, 2007. The Service will consider this and other recommendations at their meeting on August 1-2, 2007. Item 4 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation "frameworks" which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department's proposals are as follows:

1. Change the name of Humboldt Bay (South) Special Management Area to Humboldt Bay South Spit Special Management Area.
2. Increase the goose daily bag limit in the Northeastern, Southern San Joaquin Valley and Balance of State zones to 6 geese per day.
3. Increase the Small Canada goose daily bag limit in the Southern San Joaquin Valley and Balance of State zones to 6 geese per day.
4. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. Also, federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.



AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
<b>Statewide</b>	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
<b>Northeastern Zone</b>	Ducks	Between 38 & 105 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 105 days	
	Canvasback	Between 0 & 105 days	
	Scaup	Between 0 and 105 days	
<b>Southern San Joaquin Valley Zone</b>	Geese	86-100 days	4-6/ day, up to 4 white geese, up to 4 white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Scaup	Between 0 & 100 days	
<b>Colorado River Zone</b>	Geese	86-100 days	4-6/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4-6 Small Canada geese. Possession limit double the daily bag.
	Ducks	Between 38 & 101 days	4-7/day, no more than 3-7 mallards, no more than 2 hen mallards or Mexican-like ducks, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 101 days	
	Canvasback	Between 0 & 101 days	
	Scaup	Between 0 & 101 days	
<b>Southern California Zone</b>	Geese	101 days	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Scaup	Between 0 & 100 days	
<b>Balance of State Zone</b>	Geese	86-100 days	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Scaup	Between 0 & 100 days	
<b>Balance of State Zone</b>	Geese	86-100 days	4-6/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4-6 Small Canada geese. Possession limit double the daily bag.
	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Scaup	Between 0 & 100 days	
<b>SPECIAL AREA</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
North Coast	All Canada Geese	Between 0 & 107 days, except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	4-6/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Between 0 & 30 days, must end by Dec 15	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	Between 0 & 30 days, must end by Dec 15	2/day. Possession limit double the daily bag.
<b>YOUTH HUNTING DAYS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
<b>FALCONRY OF DUCKS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 6
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 106 days	

Section 509 of Title 14, CCR, states that the regulations adopted by the United States through its Secretary of Interior under the Migratory Bird Treaty Act, as amended annually in Part 10, subparts A and B, and Part 20, Title 50, Code of Federal Regulations, are hereby adopted and made a part of this Title 14 except where said federal regulations are less restrictive than the provisions of Chapter 7 of this Title 14 (sections 500–509), the provisions of Chapter 7 prevail. This section does not have clear language stating it is a violation to violate the provisions of the Migratory Bird Treaty Act. There needs to be wording added to the section stating it is illegal to violate the provisions of the federal Migratory Bird Treaty Act or the regulations which are adopted.

Currently, Section 509 of Title 14, CCR has no provisions that require a person 16 years or older to purchase a Federal Migratory–Bird Hunting and Conservation Stamp, and have that stamp in possession while hunting migratory waterfowl. Federal law requires the Federal Migratory–Bird Hunting and Conservation Stamp to be in possession as well as have the hunter’s signature written in ink across the face of the stamp. Wording needs to be added to this section requiring that any person 16 years or older who is hunting migratory waterfowl possess a Federal Migratory–Bird Hunting and Conservation Stamp and have the hunter’s signature written on the face of the stamp.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bridgeport Memorial Hall, 75 North School Street, Bridgeport, California, on Friday, July 13, 2007 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the County Administration Building, Board of Supervisors Hearing Room, 105 East Anapamu Street, Fourth Floor, Santa Barbara, California, on Friday, August 10, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 3, 2007 at the address given below, or by fax at (916) 653–5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 7, 2007.** All comments must be received no later than August 10, 2007, at the hearing in Santa Barbara, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director,

Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. **Dr. Eric Loft, Chief Wildlife Branch, Department of Fish and Game, phone (916) 445–3406, and Assistant Chief Rob Allen, Enforcement Branch, Department of Fish and Game, phone (916) 653–4094, have been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes to Section 502 are intended to provide additional recreational

opportunity to the public. The response is expected to be minor in nature. The proposed change to Section 509 is to clarify existing Federal requirements.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## GENERAL PUBLIC INTEREST

### AIR RESOURCES BOARD

### NOTICE OF CONTINUATION

### TITLE 13. CALIFORNIA AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF A

### PROPOSED REGULATION FOR IN-USE OFF-ROAD DIESEL VEHICLES

The Air Resources Board (the Board or ARB) will conduct a continuation of a public hearing at the time and place noted below to consider adopting a regulation to reduce emissions of diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) from in-use off-road diesel vehicles that operate in California.

DATE: July 26, 2007

TIME: 9:00 a.m.

PLACE: California Environmental Protection  
Agency  
Air Resources Board  
Byron Sher Auditorium, Second Floor  
1001 I Street  
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., July 26, 2007, and may continue at 8:30 a.m., July 27, 2007. This item may not be considered until July 27, 2007. Please consult the agenda for the meeting, which will be available at least 10 days before July 26, 2007, to determine the day on which this item will be considered.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact ARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact ARB's Bilingual Manager at (916) 323-7053.

### THE CONTINUED HEARING

The continued hearing will be conducted as described in the original notice, except that written submissions must be addressed to and received by the Clerk of the Board as described below. All comments submitted for the May 25, 2007, hearing will remain part of the rule-making record.

At the hearing, the Board will again take testimony from the public. For those persons who testified at the hearing on May 25, 2007, testimony will be limited to commenting upon any modifications made to the originally noticed proposal since May 25, 2007, and any new information that staff may have relied upon in modifying the proposal. Persons who did not testify on May 25, 2007, will be afforded an opportunity to comment on any matter related to the rulemaking.

The original notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/>

[2007/ordiesl07/ordiesl07.htm](http://2007/ordiesl07/ordiesl07.htm) and are available as described in the original notice.

## SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by email before the hearing. To allow for full consideration of comments received, the Board strongly encourages that all comments be submitted to the Clerk of the Board by June 29, 2007, but the Board will accept written submissions physically submitted at the July 26, 2007, hearing or received by other means by **no later than 12:00 noon, July 26, 2007**, and addressed to the following:

Postal mail: Clerk of the Board, Air  
Resources Board  
1001 I Street, Sacramento,  
California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/belist.php>

Facsimile submittal: (916) 322-3928

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons: Tony Brasil, Manager of the In-Use Control Measures Section, at (916) 323-2927, or by email at [abrasil@arb.ca.gov](mailto:abrasil@arb.ca.gov), or Kim Heroy-Rogalski, Staff Air Pollution Specialist, at (916) 327-2200, or by email at [kheroyro@arb.ca.gov](mailto:kheroyro@arb.ca.gov).

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its

June 7, 2007, meeting in Truckee, accepted for consideration the petition submitted by The Bay Institute, Center for Biological Diversity, and Natural Resources Defense Council to uplist the delta smelt (*Hypomesus transpacificus*) from threatened to endangered species status. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species for uplisting as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the June 7, 2007, Commission meeting, are on file and available for public review from John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health Hazard  
Assessment  
Notice to Interested Parties  
June 22, 2007  
Page 1 of 2

### ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

**Draft Technical Support Documents  
On Proposed Public Health Goals for  
2,4-Dichlorophenoxyacetic acid (2,4-D)  
and Chlorite in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the draft technical support documents for proposed Public Health Goals (PHGs) for 2,4-dichlorophenoxyacetic acid (2,4-D) and chlorite in drinking water. The draft document on 2,4-D is an update of an existing PHG for this chemical, while the document for chlorite is a new risk assessment. The draft documents are posted on the



OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)). OEHHA is soliciting comments on the draft reports during a 45-day comment period. The Office will also hold a public workshop on July 16, 2007, at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 2, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHGs, and to receive comments. Following the workshop, OEHHA will evaluate all the comments received, revise the documents as appropriate, and make them available for another 30-day comment period. After any subsequent revisions, the final documents will be posted on our Web site along with responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

Oral and written comments received at the workshop will be considered during the revision of the draft technical support documents. Written comments must be received at the OEHHA address below by 5:00 p.m. on August 6, 2007, to be considered during this revision period for the documents.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622–3170 or the address below.

Mr. Thomas Parker ([tparker@oehha.ca.gov](mailto:tparker@oehha.ca.gov))  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
Headquarters: 1001 I Street, 12<sup>th</sup> floor  
Sacramento, California 95814  
Mailing address: P.O. Box 4010,  
Sacramento, CA 95812–4010  
Attention: PHG Project

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

#### METHANOL UNDER CONSIDERATION FOR POSSIBLE LISTING VIA THE AUTHORITATIVE BODIES MECHANISM: REQUEST FOR RELEVANT INFORMATION June 22, 2007

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act) which is codified at Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8.)

One mechanism by which a chemical is listed is if a body considered to be authoritative by the state's qualified experts has formally identified it as causing cancer or reproductive toxicity. For reproductive toxicity, the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer (IARC) solely as to transplacental carcinogenicity, the National Toxicology Program (NTP) solely as to final reports of the NTP's Center for Evaluation of Risks to Human Reproduction, the U.S. Food and Drug Administration (FDA), and the National Institute for Occupational Safety and Health (NIOSH) have been identified as authoritative bodies for purposes of the Act. The criteria for listing chemicals through the "authoritative bodies" mechanism are set forth in Title 22, California Code of Regulations, section 12306<sup>1</sup>.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is investigating the possible listing of the chemical identified below, based upon information in the reference cited. Documentation sum-

<sup>1</sup> All further citations are to Title 22 of the California Code of Regulations unless otherwise indicated.

marizing the rationale for considering the evaluation of this chemical for possible administrative listing is available from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the Internet at the following address: <http://www.oehha.ca.gov/prop65.html>.

OEHHA is committed to public participation and external scientific peer review in its implementation of Proposition 65, and welcomes public input on this listing process. As part of its efforts to ensure that regulatory decisions are based upon a thorough consideration of all relevant information, OEHHA is soliciting information concerning whether the criteria set out in Section 12306 have been met for this chemical.

A public forum to present oral comments and to discuss the scientific data and other information concerning whether this chemical meets the criteria for listing set forth in Section 12306 will be scheduled only upon request. Such request must be submitted in writing no later than 30 days before the close of the comment period on **Tuesday, August 21, 2007**. The written request must be sent to OEHHA at the address listed below no later than *Friday, July 20, 2007*. A notice for the public forum, if one is requested, will be posted on the OEHHA web site at least ten days in advance of the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to

those individuals requesting such notification. Written comments provided in **triplicate**, along with supporting information, should be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010, MS-19B  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900  
Or via email addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov)

**Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In order to be considered, comments must be received at OEHHA by 5:00 p.m. on **Tuesday, August 21, 2007**.**

Following the review of all comments received, OEHHA will announce its intention to proceed with the listing of the candidate chemical if it meets the regulatory criteria for administrative listing in a *Notice of Intent to List Chemicals*.

Chemical which may meet the criteria set forth in Section 12306 for listing as known to cause reproductive toxicity via the "authoritative bodies" mechanism:

Chemical	CAS No.	Toxicological Endpoints	Reference
Methanol	67-56-1	developmental toxicity	NTP-CERHR (2003)

#### REFERENCES

National Toxicology Program — Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003). *NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of Methanol*. NIH Publication No. 04-4478.

ramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

#### BOARD OF EQUALIZATION

#### STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

In re:

BOARD OF EQUALIZATION

REGULATORY ACTION:

Title 18, California Code of Regulations

ADOPT SECTION 474

DECISION OF DISAPPROVAL OF REGULATORY ACTION

(Gov. Code, sec. 11349.3)

OAL File No. 07-0427-04 SR

#### DISAPPROVAL DECISIONS

#### DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov). You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sac-

SUMMARY OF REGULATORY ACTION

This proposed regulatory action seeks to adopt section 474 to title 18 of the California Code of Regulations. Proposed section 474 defines “petroleum refining property” and establishes a rebuttable presumption, for purposes of recognizing declines in value for such property, that land, improvement, and fixtures and other machinery and equipment classified as improvements constitute one appraisal unit, except when measuring declines in value caused by disaster, in which case the land constitutes a separate appraisal unit. This regulatory action was originally submitted by the Board of Equalization to the Office of Administrative Law on December 26, 2006. It was subsequently withdrawn by the Board of Equalization on February 8, 2007 before the Office of Administrative Law took any action on the filing. On April 27, 2007, the Board of Equalization re-submitted this regulatory action to the Office of Administrative Law. This resubmission incorporated the prior rulemaking file by reference. The only change in the re-submission from the prior rulemaking file was one minor deletion from the reference citations for section 474.

Date: June 8, 2007

CRAIG S. TARPENNING  
Senior Staff Counsel

for: SUSAN LAPSLEY  
Director

Original: Ramon Hirsig, Executive Director

cc: Diane Olson

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING

Participation in the POST Program

This regulatory action amends the POST Program provisions that deal with how to apply to participate in the program, eligibility for the program, mergers occurring after the initial request to participate, and compliance requirements once accepted into the program. This action amends and renumbers former section 1010 creating two new provisions — sections 9030 and 9031 — that will be placed in a new chapter 3 within new division 9 of the California Code of Regulations.

Title 11  
California Code of Regulations  
AMEND: 1010 (renumber to 9030 and 9031 to new Chapter 3)  
Filed 06/06/07  
Effective 07/06/07  
Agency Contact: Patricia Cassidy (916) 227-4847

COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING

Peace Officer Feasibility Study Requirements

Commission on Peace Officer Standards and Training (POST) proposed this action to amend section 1019 and renumber it to section 9020 under new Chapter 2 in Title 11, Division 9 of the California Code of Regulations. Proposed revisions affect text and structural organization for greater clarity and consistency of provisions for the process of requesting a peace officer feasibility study, the scope and cost of the study, the time limits for completing the study, and the process for appeal of the study findings.

Title 11  
California Code of Regulations  
ADOPT: 9020 REPEAL: 1019  
Filed 06/08/07  
Effective 07/08/07  
Agency Contact: Patricia Cassidy (916) 227-4847

COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING

Intermediate and Advanced Certificates — Public  
Safety Dispatchers

This regulatory action deals with basic, intermediate and advanced certificates for public safety dispatchers.

Title 11  
California Code of Regulations  
AMEND: 9072  
Filed 06/08/07  
Effective 07/08/07  
Agency Contact: Patricia Cassidy (916) 227-4847

**DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS****Nonsubstantive Change**

These nonsubstantive changes correct various grammatical and punctuation errors and change “Branch” to “Division” in several titles of departments (e.g. “Licensing and Certification Branch” is now “Licensing and Certification Division”), and corrects one phone number. Each change meets the requirements of Title 1, Section 100.

**Title 9****California Code of Regulations**

AMEND: 10501, 10508, 10511, 10515, 10518, 10522, 10524, 10527, 10529, 10532, 10533, 10545, 10547, 10550, 10561, 10568, 10606, 10608, 10609, 10613, 10615, 10620, 10626, 10630

Filed 06/12/07

Effective 06/12/07

Agency Contact: Mary Conway (916) 327-4742

**DEPARTMENT OF CONSERVATION****Plastic Market Development Payments**

This emergency regulatory action establishes how certified entities and plastic product manufacturers submit a claim form for the Market Development Payment to the Department, and how the plastic product manufacturer obtains an identification number from the Department prior to submitting a Plastic Market Development claim form. This regulatory action was deemed to meet the emergency standard and mandated to remain in effect until revised by the director of the Department pursuant to Public Resources Code section 14536.

**Title 14****California Code of Regulations**

ADOPT: 2880

Filed 06/08/07

Effective 06/08/07

Agency Contact: Karen Denz (916) 322-1899

**DEPARTMENT OF FOOD AND AGRICULTURE****Light Brown Apple Moth Interior Quarantine**

This emergency regulatory action designates additional portions of many counties as quarantine areas with respect to the light brown apple moth (*Epiphyas postvittana*). It is classified as a Federal Action Pest. The currently affected areas are: Alameda, Contra Costa, Marin, Monterey, San Francisco, San Mateo, Santa Clara and Santa Cruz counties. The total proposed land mass area to be quarantined is now approx. 725 sq. miles.

**Title 3****California Code of Regulations**

AMEND: 3434(b)

Filed 06/06/07

Effective 06/06/07

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE****Light Brown Apple Moth Interior Quarantine**

This emergency regulatory action designates additional portions of Napa as a quarantine area with respect to the light brown apple moth (*Epiphyas postvittana*). It is classified as a Federal Action Pest. It is highly polyphagous and becoming prolific. Therefore, DFA is working with the Federal government to eradicate it. If they don't, the USDA APHIS may consider the entire state infested rather than just the current areas of Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara and Santa Cruz counties.

**Title 3****California Code of Regulations**

AMEND: 3434(b)

Filed 06/07/07

Effective 06/07/07

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF PESTICIDE REGULATION****Respiratory Protection**

This regulatory action adopts and amends provisions of Title 3 regarding respiratory protection measures for pesticide workers. The amendments revise the employers' obligations with respect to employees who are required by pesticide label, restricted materials permit, regulation, or by the employer, to use respirators in the workplace. These revisions to the regulations are an effort to bring the Title 3 regulations in closer conformity with revisions made by Cal-OSHA and the US Dept. of Labor as to respiratory protection of employees. These amendments provide for an initial confidential “medical evaluation” procedure and require documentation and retention procedures for respiratory programs.

**Title 3****California Code of Regulations**

ADOPT: 6739 AMEND: 6000, 6720, 6738, 6793

Filed 06/13/07

Effective 01/01/08

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

**DIVISION OF WORKERS COMPENSATION****Utilization Review Enforcement**

This regulatory action is to implement and make specific the provisions of Labor Code section 4610(i). Labor Code section 4610 establishes the standards for the



utilization review process for requested medical treatment in workers' compensation cases. Subsection (i) is the key authorizing statute for the enforcement of these standards by the Administrative Director (AD). The proposed regulations describe: 1) the AD's investigation procedures for complaints and routine checks; 2) a penalty schedule for violations; 3) mitigating factors; 4) liability among the responsible parties; and 5) the charging, hearing and appeal process.

Title 8  
California Code of Regulations  
ADOPT: 9792.11, 9792.12, 9792.13, 9792.14, 9792.15  
Filed 06/07/07  
Effective 06/07/07  
Agency Contact: Destie Overpeck (415) 703-4659

#### FISH AND GAME COMMISSION Grizzly Valley Dam Flow Requirements

This regulatory action deals with the temporary reduction of flows from Grizzly Valley Dam during rotenone treatment of Lake Davis and its tributaries (Plumas County) for the eradication of northern pike.

Title 14  
California Code of Regulations  
ADOPT: 721  
Filed 06/11/07  
Effective 07/11/07  
Agency Contact: Sherrie Koell (916) 653-4899

#### MEDICAL BOARD OF CALIFORNIA Non-substantive changes: Training, Continuing Education, Namestyles, Disclosure

This Section 100 filing removes various restrictions that have been superseded by amendments to the Business and Professions Code, including restrictions on namestyles. The changes also include corrections to grammar and one telephone number.

Title 16  
California Code of Regulations  
AMEND: 1325, 1339, 1344, 1350.3, 1355.35  
Filed 06/12/07  
Effective 06/12/07  
Agency Contact:  
Kevin A. Schunke (916) 263-2368

#### PUBLIC UTILITIES COMMISSION Rules of Practice and Procedure

This change without regulatory effect is necessary due to a changed statute (Public Utilities Code (PUC) section 5800 et seq., particularly section 5890(g)). Rule 4.1 of the Commission's Rules of Practice and Procedure is being amended since it is currently inconsistent with and superseded by the statute and CPUC has no discretion to adopt a different change. The amendment allows local governments to file a complaint alleging violations of PUC section 5890 by a holder of a state franchise to construct and operate video service.

Title 20  
California Code of Regulations  
AMEND: 4.1  
Filed 06/11/07  
Agency Contact: Hallie Yacknin (415) 703-1675

#### SECRETARY OF STATE HAVA Statewide Voter Registration Database

The Help America Vote Act of 2002 (HAVA) in 42 U.S.C. 15483 required each state with voter registration requirements for elections for federal office to implement, through the chief state elections official, a single, uniform, official, centralized interactive computerized statewide voter registration list by January 1, 2004. Pursuant to a waiver pursuant to 42 U.S.C. 15483(d)(1)(B), the statewide voter registration list requirements became effective for California on January 1, 2006. On November 17, 2005, an emergency regulatory action which adopted interim provisions implementing such a list in California beginning January 1, 2006 was submitted by the Secretary of State (SOS) to the Office of Administrative Law (OAL). This file was subsequently withdrawn and resubmitted by SOS to OAL on December 2, 2005. On December 12, 2005 it was approved by OAL and filed with SOS. Subsequent readoptions of these emergency regulations with some amendments followed. On April 10, 2007 a certificate of compliance containing changes from the latest emergency regulations filed on December 13, 2006 was submitted to OAL. This filing was withdrawn by SOS on May 22, 2007 in order to obtain the required Department of Finance (DOF) approval of the fiscal impact statement (STD Form 399). On May 22, 2007, SOS resubmitted the emergency regulations with some changes to OAL. On May 23, 2007, the emergency regulations were approved by OAL and filed with the SOS. On June 6, 2007, DOF signed the STD Form 399 for this rulemaking. This filing is the resubmittal of the certificate of

compliance for the emergency regulations most recently filed on May 23, 2007.

**Title 2**

**California Code of Regulations**

ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80 REPEAL: 20108.37

Filed 06/13/07

Effective 06/13/07

Agency Contact: Judith Carlson (916) 651-6971

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN JANUARY 10, 2007 TO  
JUNE 13, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

06/13/07 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80 REPEAL: 20108.37

05/23/07 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80

05/21/07 AMEND: 18402

05/17/07 ADOPT: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7, 1859.169.1 AMEND: 1859.2, 1859.51, 1859.60, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161,

1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167, 1859.167.1, 1866.4, 1866.13 REPEAL: 1859.162.1

05/17/07 AMEND: 52900

05/14/07 AMEND: 599.664

05/08/07 AMEND: div. 8, ch. 48, sec. 53700

05/08/07 ADOPT: 1185.2, 1185.3, 1185.4 AMEND: 1185, 1185.01, 1185.02, 1185.03, 1185.1

04/30/07 AMEND: 1859.124.1

04/25/07 AMEND: 1859.83, 1859.202, 1866

04/16/07 AMEND: 18401

04/04/07 AMEND: 28010 REPEAL: 36000

03/27/07 AMEND: 59560

03/20/07 ADOPT: 18746.3

03/15/07 AMEND: div. 8, ch. 102, section 59100

03/14/07 AMEND: div. 8, ch. 73, section 56200

03/01/07 AMEND: 21922

02/28/07 AMEND: 714

02/16/07 AMEND: 1859.2, 1859.76, 1859.83, 1859.163.1, 1859.167, 1859.202, 1866 AMEND: 2561, 2563, 2564, 2565, 2566, 2567

01/26/07 ADOPT: 599.550, 599.552, 599.553, 599.554 AMEND: 599.500

01/19/07 ADOPT: 18531.62, 18531.63, 18531.64 AMEND: 18544

01/11/07 AMEND: 1894.4, 1896.12

**Title 3**

06/13/07 ADOPT: 6739 AMEND: 6000, 6720, 6738, 6793

06/07/07 AMEND: 3434(b)

06/06/07 AMEND: 3434(b)

06/05/07 AMEND: 3591.20(a)

05/31/07 ADOPT: 900, 900.1, 900.2, 901.5, 901.8, 901.9, 901.10, 901.11, 902, 902.1, 902.3, 902.4, 902.5, 902.6, 902.7, 902.8, 902.9, 902.10, 902.11, 902.12, 902.13, 902.14, 903, 903.1, 903.2, 903.3, 903.4, 903.5, 903.6, 903.7, 903.8, 903.9, 903.10, 903.11, 903.12

05/07/07 AMEND: 6860

05/07/07 AMEND: 3433

05/03/07 ADOPT: 3035 REPEAL: 3035, 3035.1, 3035.2, 3035.3, 3035.4, 3035.5, 3035.6, 3035.7, 3035.8, 3035.9

04/25/07 AMEND: 3433(b)

04/23/07 AMEND: 3591.20

04/20/07 ADOPT: 3434

04/20/07 AMEND: 3591.20(a)

04/03/07	AMEND: 3591.20(a), 3591.20(b)	06/04/07	ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6, 11996.7, 11996.8, 11996.9, 11996.10, 11996.11
04/02/07	AMEND: 752, 796.6, 1301	06/01/07	REPEAL: 41916
03/28/07	AMEND: 3591.2(a)	05/30/07	ADOPT: 30920, 30921, 30922, 30923, 30924, 30925, 30926, 30927
03/27/07	ADOPT: 1446.9, 1454.16	05/18/07	ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854
03/21/07	ADOPT: 3591.20	05/11/07	AMEND: 30023(c)
03/15/07	ADOPT: 1371, 1371.1, 1371.2	05/07/07	ADOPT: 30910, 30911, 30912, 30913, 30914, 30915, 30916, 30917
03/07/07	AMEND: 3423(b)	04/23/07	ADOPT: 30710, 30711, 30712, 30713, 30714, 30715, 30716, 30717, 30718
03/06/07	AMEND: 3700(c)	04/17/07	AMEND: 18013, 18054, 18068
02/15/07	ADOPT: 499.5, 513, 513.5 AMEND: 498, 499, 500, 501, 502, 504, 505, 509, 510, 511, 512, 512.1, 512.2, 514, 515, 516, 517, 525, 551, 552, 553, 554, 604.1 REPEAL: 499.5, 503, 506, 508, 512.3, 527, 536, 537, 538, 539, 540, 541, 543, 544, 546, 547, 550	04/09/07	ADOPT: 11962, 11962.1
02/14/07	AMEND: 3700(c)	04/06/07	AMEND: 41301
02/08/07	AMEND: 6170, 6172, 6200	03/29/07	AMEND: 42356
02/08/07	AMEND: 3433(b)	03/19/07	AMEND: 41550
02/07/07	AMEND: 6170, 6172, 6200	03/19/07	AMEND: 41301
01/31/07	AMEND: 3591.12(a)	03/01/07	AMEND: 19816, 19851, 19852, 19853
01/24/07	AMEND: 3591.13(a)	02/28/07	AMEND: 80028, 80487
01/18/07	AMEND: 3433(b)	02/16/07	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
01/18/07	AMEND: 3800.1, 3800.2	02/08/07	ADOPT: 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, 1000.6, 1000.7
01/18/07	AMEND: 3423(b)	01/17/07	ADOPT: 58707 AMEND: 58704, 58770, 58771, 58773, 58774, 58776, 58777, 58779 REPEAL: 58706, 58775
01/18/07	AMEND: 3433(b)	01/17/07	ADOPT: 55151, 55151.5 AMEND: 55002, 55150, 58160
<b>Title 4</b>		01/10/07	AMEND: 55806
05/30/07	AMEND: 1481	<b>Title 8</b>	
05/08/07	AMEND: 1433	06/07/07	ADOPT: 9792.11, 9792.12, 9792.13, 9792.14, 9792.15
05/07/07	AMEND: 1606	06/01/07	AMEND: 4543
04/24/07	ADOPT: 9071, 9072, 9073, 9074, 9075	05/23/07	AMEND: 5001
04/19/07	AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10188	05/23/07	AMEND: 9767.4, 9767.8, 9768.10, 9788.11
03/13/07	ADOPT: 7075, 7076, 7077, 7078, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016, 7017	05/21/07	AMEND: 9768.5, 9788.31
02/08/07	ADOPT: 12341	05/16/07	AMEND: 8397.16
02/08/07	ADOPT: 12550, 12552, 12554, 12556, 12558, 12560, 12562, 12564, 12566, 12568, 12572	04/27/07	AMEND: 1801, 8416
01/31/07	AMEND: 12590	04/26/07	ADOPT: 10225, 10225.1, 10225.2
01/30/07	AMEND: 12101, 12301.1, 12309	04/24/07	AMEND: 5004, 5047, 8379
01/30/07	AMEND: 12358	04/20/07	AMEND: 5148(c)
01/30/07	ADOPT: 12460, 12461, 12462, 12463, 12464, 12466	04/20/07	AMEND: 1620, 1626, 1629
01/26/07	AMEND: 1433	04/18/07	AMEND: 20299, 20363, 20407
01/17/07	ADOPT: 523	03/29/07	AMEND: 3664(a)
01/11/07	AMEND: 1536	03/27/07	AMEND: 3291, 3292, 3295, 3296
<b>Title 5</b>		03/06/07	AMEND: 1529, 1532, 1532.1, 1535, 5144, 5190, 5198, 5200, 5202, 5207,
06/05/07	AMEND: 19802		

5208, 5210, 5211, 5213, 5214, 5217,  
5218, 5220, 8358  
03/02/07 ADOPT: 1731 AMEND: 1730  
03/01/07 AMEND: 1541  
02/28/07 AMEND: 9789.40  
02/21/07 AMEND: 9780, 9783  
02/15/07 AMEND: 9789.11

**Title 9**

06/12/07 AMEND: 10501, 10508, 10511, 10515,  
10518, 10522, 10524, 10527, 10529,  
10532, 10533, 10545, 10547, 10550,  
10561, 10568, 1606, 10608, 10609,  
10613, 10615, 10620, 10626, 10630  
05/24/07 AMEND: 13035  
05/01/07 ADOPT: 3100, 3200.010, 3200.020,  
3200.030, 3200.040, 3200.050,  
3200.060, 3200.070, 3200.080,  
3200.090, 3200.100, 3200.110,  
3200.120, 3200.130, 3200.140,  
3200.150, 3200.160, 3200.170,  
3200.180, 3200.190, 3200.210,  
3200.220, 3200.230, 3200.240,  
3200.250, 3200.260, 3200.270,  
3200.280, 3200.300, 3200.310, 3300,  
3310, 3315, 3320, 3350, 3360, 3400,  
3410, 3500, 3505, 3510, 3520, 3530,  
3530.10, 3530.20, 3530.30, 3530.40,  
3540, 3610, 3615, 3620, 3620.05,  
3620.10, 3630, 3640, 3650 REPEAL:  
3100, 3200.000, 3200.010, 3200.020,  
3200.030, 3200.040, 3200.050,  
3200.060, 3200.070, 3200.080,  
3200.090, 3200.100, 3200.110,  
3200.120, 3200.130, 3200.140,  
3200.150, 3200.160, 3310, 3400, 3405,  
3410, 3415

**Title 10**

05/01/07 AMEND: 2716.1, 2790.1.5, 2810.5  
REPEAL: 2716, 2790.1, 2810  
04/26/07 ADOPT: 5357, 5357.1, 5358, 5358.1  
AMEND: 5350, 5352  
04/25/07 AMEND: 2697.6, 2697.61  
04/25/07 AMEND: 250.30  
04/24/07 AMEND: 2498.6  
04/16/07 AMEND: 2318.6, 2353.1, 2354  
03/23/07 AMEND: 2695.8(b)(2)  
03/09/07 AMEND: 2498.6  
03/06/07 AMEND: 260.230, 260.231, 260.236.1,  
260.241.4, 260.242 REPEAL:  
260.231.2, 260.236.2  
01/23/07 ADOPT: 2183, 2183.1, 2183.2, 2183.3,  
2183.4 REPEAL: 2691.18, 2691.19  
01/10/07 AMEND: 3528

**Title 11**

06/08/07 AMEND: 9072  
06/08/07 ADOPT: 9020 REPEAL: 1019  
06/06/07 AMEND: 1010 (renumber to 9030 to new  
Chapter 3)  
06/04/07 AMEND: 1081  
06/01/07 AMEND: 1005, 1007, 1008  
06/01/07 ADOPT: 999.6, 999.7, 999.8  
04/19/07 ADOPT: 64.6  
04/19/07 ADOPT: 64.5  
04/19/07 ADOPT: 64.4  
04/18/07 ADOPT: 64.3  
03/06/07 AMEND: 1070, 1082  
02/02/07 ADOPT: 9070, 9071, 9072, 9073, 9076,  
9077, 9078 AMEND: 1005, 1018, 1055  
REPEAL: 1011  
02/02/07 ADOPT: 999.40  
01/30/07 AMEND: 20  
01/25/07 AMEND: 30.1  
01/25/07 AMEND: 30.5  
01/19/07 AMEND: 1005, 1007, 1080

**Title 13**

05/23/07 AMEND: 2180.1, 2181, 2184, 2185,  
2186, 2192, 2194 REPEAL: 2011  
05/01/07 ADOPT: 1300, 1400, 1401, 1402, 1403,  
1404, 1405 REPEAL: 1300, 1301, 1302,  
1303, 1304, 1304.1, 1305, 1310, 1311,  
1312, 1313, 1314, 1315, 1320, 1321,  
1322, 1323, 1324, 1325, 1330, 1331,  
1332, 1333, 1334, 1335, 1336, 1337,  
1338, 1339, 1339.1, 1339.2, 1339.3,  
1339.4, 1339.5, 1339.6, 1340, 1341,  
1342, 1343, 1344, 1350, 1351, 1352,  
1353, 1354, 1355, 1356, 1360, 1361,  
1362, 1363, 1364, 1365, 1366, 1370,  
1371, 1372, 1373, 1374, 1375, 1400,  
1401, 1402, 1403, 1404, 1405, 1406,  
1410, 1411, 1412, 1413, 1414, 1415,  
1416, 1417, 1418, 1420, 1421, 1422,  
1423, 1424, 1425, and Article 15 text  
04/26/07 AMEND: 2451, 2452, 2453, 2455, 2456,  
2458, 2459, 2460, 2461, 2462  
04/26/07 AMEND: 2450, 2451, 2452, 2453, 2454,  
2455, 2456, 2457, 2458, 2459, 2460,  
2461, 2462, 2463, 2464, 2465  
04/12/07 ADOPT: 2775, 2775.1, 2775.2, 2780,  
2781, 2782, 2783, 2784, 2785, 2786,  
2787, 2788, 2789 AMEND: 2430, 2431,  
2433, 2434, 2438  
03/26/07 ADOPT: 182.00, 182.01, 182. 02, Form  
REG 195 (REV. 2/2007) AMEND: Form  
REG 256 (REV. 9/2005)



02/09/07 AMEND: 2702, 2703, 2704, 2706, 2707, 2709  
 01/18/07 AMEND: 1961, 1976, 1978  
 01/16/07 ADOPT: 2189 AMEND: 2180, 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2188

**Title 14**

06/11/07 ADOPT: 721  
 06/08/07 ADOPT: 2880  
 05/29/07 AMEND: 360, 361, 362, 363, 364, 702, 708  
 05/10/07 AMEND: 27.80  
 05/10/07 AMEND: 5.51, 7.50(b) (53.8)  
 05/07/07 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72 REPEAL: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.22, 4970.23, 4970.24, 4970.25, 4970.26, 4970.27, 4970.28, 4970.29, 4970.30, 4970.31, 4970.32  
 05/03/07 ADOPT: 125.1 AMEND: 125  
 04/30/07 AMEND: 1257  
 04/13/07 ADOPT: 18751.2.1, Form CIWMB 303a, Form CIWMB 303b AMEND: 18751.2 REPEAL: Form CIWMB 303  
 04/02/07 AMEND: 679  
 03/27/07 AMEND: 11945  
 03/27/07 AMEND: 11900  
 03/26/07 AMEND: 2305, 2310, 2320  
 03/21/07 AMEND: 7.50  
 03/20/07 AMEND: 11945  
 03/20/07 AMEND: 790, 815.01, 815.02, 815.03, 815.04, 815.05, 815.06, 815.07, 815.08, 815.09, 816.01, 816.02, 816.03, 816.04, 816.05, 816.06, 817.02, 817.03, 818.01, 818.02, 818.03, 819.01, 819.02, 819.03, 819.04, 819.06, 819.07, 820.01, 825.03, 825.05, 825.07, 826.01, 826.02, 826.03, 826.04, 826.05, 826.06, 827.01, 827.02  
 03/01/07 AMEND: 10121, 11900(a)(5)  
 02/28/07 ADOPT: 5.81, 27.91 AMEND: 1.62, 1.63, 1.67, 2.00, 5.00, 5.80, 7.00, 7.50, 8.00, 27.60, 27.65, 27.90, 27.95, 28.20, 29.70, 29.80, 29.85, 195, 701  
 02/23/07 AMEND: 671.5

02/16/07 AMEND: 10214, 10381, 10500, 10620, 11002, 11003, 11005  
 02/13/07 AMEND: 53.03, 149, 149.1  
 02/08/07 AMEND: 880  
 02/05/07 ADOPT: 2990, 2995, 2997 AMEND: 2125, 2518  
 01/18/07 ADOPT: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 28.48, 28.49, 28.51, 28.52, 28.53, 28.57 AMEND: 1.91, 27.60, 27.65, 27.83 (amend and renumber to 27.51), 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90, 701 REPEAL: 27.67, 27.82

**Title 14, 27**

03/14/07 ADOPT: 21660.1, 21660.2, 21660.3, 21660.4, 21666 AMEND: 17388.3, 17388.4, 17388.5, 18077, 18083, 18104.1, 18104.2, 18104.7, 18105.1, 18105.2, 18105.9, 21563, 21570, 21580, 21620, 21650, 21660, 21663, 21665, 21675, 21685 REPEAL: 17383.10, 17388.6

**Title 15**

06/05/07 ADOPT: 3999.5  
 05/15/07 ADOPT: 3999.4  
 05/02/07 AMEND: 3276(e)  
 04/19/07 AMEND: 3084.1, 3391  
 04/18/07 ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3355.1, 3358  
 04/18/07 AMEND: 2600.1  
 02/23/07 AMEND: 3000, 3315, 3323, 3341.5  
 02/05/07 ADOPT: 3999.3  
 01/18/07 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4 REPEAL: 4036.0, 4040.0

**Title 16**

06/12/07 AMEND: 1325, 1339, 1344, 1350.3, 1355.35  
 05/30/07 ADOPT: 980.2, 980.3 AMEND: 980.1  
 05/23/07 AMEND: 1706.2  
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**2007 RULEMAKING CALENDAR**

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